



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/172377

PRELIMINARY RECITALS

Pursuant to a petition filed February 25, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance (MA), a hearing was held on March 24, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly discontinued the Petitioner's SSI-related Medicaid.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

█
█

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] (written submission)

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger, Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. On February 29, 2016, the agency issued a notice to the Petitioner advising him that his state SSI cash payment would end effective February 29, 2016 because the Social Security Administration is ending his federal SSI payments effective February 29, 2016. The notice further informed the Petitioner that his SSI-Medicaid benefits would end effective March 31, 2016 due to his federal SSI payments ending.
3. On February 25, 2016, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

With certain exceptions not applicable here, a person must be receiving federal SSI in order to receive State SSI Supplement payments and SSI-related Medicaid. Wis. Stat. § 49.77. The Social Security Administration (SSA) notified the State of Wisconsin that the petitioner would no longer be receiving federal SSI cash benefits. Therefore, petitioner is not currently eligible for SSI State Supplement payments and/or SSI-related Medicaid, and it was correct to discontinue those benefits to the petitioner. Petitioner was advised to contact SSA about an appeal regarding his federal SSI payment.

CONCLUSIONS OF LAW

The agency properly discontinued the Petitioner's SSI-related Medicaid because he is no longer receiving federal SSI payments.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 20th day of May, 2016

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 20, 2016.

Division of Health Care Access and Accountability
State SSI